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EXAMINER

MEW, KEVIN D

ART UNIT

PAPER NUMBER

2616

NOTIFICATION DATE

DELIVERY MODE

06/23/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Final Action

Response to Amendment

1. Applicant's Arguments/Remarks filed on 3/14/2008 with respect to claims 1-20 have been considered. Claims 1-20 are currently pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 3-4, 7-8, 10, 12, 14, 16, 18, 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As to claims 3-4, 10, 14, 18, "means for encapsulating," "means for setting," "means for transporting," "means for extracting" are the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. As to claims 7-8, 12, 16, 20, "means for generating" is the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. There is no disclosure whatsoever in the specification and/or drawings with respect to "means for encapsulating," "means for setting," "means for transporting," and "means for generating."

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 5-6, 8, 11, 15, 19 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claims 5-6, 11, 15, 19, “a computer-readable medium” is claimed and therefore lacks patentable utility because it does not provide a practical application that transforms or reduces an article or physical object to a different state. Although the specification of the instant application states that the functions provided in these claims may be performed in computer systems, it is noted by the examiner that there is no disclosure of “a computer-readable medium” such as a hard disk, optical disk, CD ROM, and so on in the drawings submitted by applicant, let alone any disclosure of computer readable medium encoded with computer readable instructions for executing the method of the claimed invention. Accordingly, the “computer-readable medium” as claimed in each of claims 5-6, 11, 15, 19 is determined to be non-statutory.

Response to Arguments

4. Applicant's arguments filed on 3/14/2008 with respect to claims 3-8, 10-20 have been fully considered but they are not persuasive.

Applicant argued on page 1, paragraph 2 of the Remarks in response to claims 3-4, 7-8, 10, 12, 14, 16, 18, 20 being rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement, examiner respectfully disagrees with applicant's arguments. As to claims 3-4, 10, 14, 18, “means for encapsulating,” “means for setting,” “means for

Art Unit: 2616

transporting,” “means for extracting” are the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. As to claims 7-8, 12, 16, 20, “means for generating” is the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Although the specification of the instant application mentions the functions provided in these claims may be performed in computer systems, it is noted by the examiner that there is no disclosure of any kind in the specification and/or drawings about the “means for encapsulating,” “means for setting,” “means for transporting,” and “means for generating,” as allegedly argued by applicant.

With respect to claims 5-6, 11, 15, 19, applicant argued on page 1, paragraph 3 of the Remarks that the amended “computer-readable medium” contains statutory subject matter, examiner respectfully disagrees. Although the specification of the instant application mentions the functions provided in these claims may be performed in computer systems, it is noted by the examiner that there is no disclosure of “a computer-readable medium” of any kind such as a hard disk, CD and so on in the drawings as submitted by applicant, let alone a computer readable medium encoded with computer readable instructions for executing the method of the claimed invention. Therefore, the “computer-readable medium” as claimed in each of claims 5-6, 11, 15, 19 does not provide a practical application that transforms or reduces an article or physical object to a different state and is determined to be non-statutory.

In light of the foregoing reasons, claims 3-4, 7-8, 10, 12, 14, 16, 18, 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement., and

Art Unit: 2616

Claims 5-6, 8, 11, 15, 19 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Allowable Subject Matter

5. Claims 1-2, 9, 13, 17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 1, a method for transporting data, comprising:

the Final Payload Count Valid field, the Final Payload Count Valid field indicating whether or not the payload section includes a Final Payload Count field, the Final Payload Count field indicating an amount of data placed in the payload section.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Mew whose telephone number is 571-272-3141. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Mew /K. M./
Examiner, Art Unit 2616

/Chi H Pham/
Supervisory Patent Examiner, Art Unit
2616
6/19/08